

PATENT
52201-0630

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Heinz Fabian
U.S. Serial No. : 10/517,330
Filing date : December 9, 2004
Title : JACKET TUBE MADE OF SYNTHETICALLY PRODUCED
QUARTZ GLASS AND OPTICAL FIBRES PRODUCED
USING SAID JACKET TUBE

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop ISSUE FEE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: August 1, 2006.

Andrew L. Tiajloff		August 1, 2006
Name of Applicant, Assignee or Registered Representative	Signature	Date of Signature

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Attorney for applicant submits herewith a PTO SB08A form listing references, and a check including the amount of \$180.00 is enclosed for the fee which may be required for submission of this Information Disclosure Statement at this stage of the prosecution. If the fee is unnecessary, please credit any refund to deposit account 501659.

The references listed in the attached PTO SB08 are:

- DE 100 25 176 A1 (listed in an earlier-filed IDS);
- WO 01/90010 (a PCT application based on DE 100 25 176 A1) ; and

08/07/2006 HABDELRI 00000004 10517330
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- US 2003/0140659 A1 (the published U.S. national stage of WO 01/90010).

DE 100 25 176 A1 was listed in an PTO 1449 Information Disclosure Statement filed in this application listing the references from the International Search Report (where it was considered an “A” reference, i.e., background). However, in the Examiner’s initialed copy of the Notice of Allowability, DE 100 25 176 A1 was crossed out because a copy was not readily available, and the Examiner did not consider it. A copy is here submitted.

Because this reference was already reported earlier, and the failure to consider it was simply due to a problem with obtaining a copy, Applicant respectfully requests that the Examiner now, within his discretion, consider the reference and place it on the record.

WO 01/90010 is the publication of a PCT application asserting priority of DE 100 25 176 A1. It is believed to be cumulative (and probably identical to) DE 100 25 176 A1.

US 2003/0140659 is the U.S. national stage of WO 01/90010, U.S. ser. no. 10/296,089, which has been abandoned. It is believed also cumulative with DE 100 25 176 A1, and to be the U.S. English-language counterpart thereof. It may be of interest as a translation, and, to the extent that it might ever become an issue, Applicant wishes to state on the record that the invention of the present application and the invention of US 2003/0140659 were commonly owned at the time of invention, triggering the effect of 35 U.S.C. sec. 103(c).

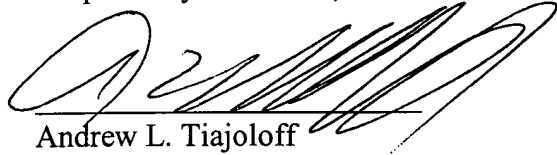
Relevance of these references

DE 100 25 176 is discussed in the application mainly as background art, and its relevance is limited. The claims herein all recite quartz glass having a content of metastable OH groups of less than 0.05 wt. ppm and a content of anneal stable OH groups of at least 0.05 wt. ppm.

DE 100 25 176 A1 and the counterpart references WO 01/90010 and US 2003/0140659 A1 have no suggestion or hint of a distinction between those two kinds of OH groups. They do not raise any issue of the allowability of the claims in this application.

Should any questions arise, the Examiner is invited to telephone attorney for applicants at 212-490-3285.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Andrew L. Tiajolloff', written over a horizontal line.

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Substitute for form 1449 ~~SECRET~~

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet	1	of	1
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Complete if Known

Application Number	10/517,330
Filing Date	12/09/2004
First Named Inventor	Heinz Fabia
Art Unit	2883
Examiner Name	Brian Healy
Attorney Docket Number	52201-0630

U. S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
		DE 100 25 176 A1	12/06/2001	Heraeus Quarzglas GmbH		
		WO 01/90010	11/29/2001	Heraeus Tenevo AG		

**Examiner
Signature**

Date
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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